

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

March 19, 2008

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Dr. Mark E. Emblidge, President
Dr. Ella P. Ward, Vice President
Dr. Thomas M. Brewster
Mrs. Isis M. Castro
Mr. David L. Johnson

Dr. Gary L. Jones
Mr. Kelvin L. Moore
Mr. Andrew J. Rotherham
Mrs. Eleanor B. Saslaw

Dr. Billy K. Cannaday, Jr.
Superintendent of Public Instruction

Dr. Emblidge called the meeting of the Board to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Dr. Emblidge asked Dr. Jones to lead in a moment of silence and Pledge of Allegiance.

APPROVAL OF MINUTES

Dr. Ward made a motion to approve the minutes of the February 21, 2008, meeting of the Board. The motion was seconded by Mrs. Castro and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

PUBLIC COMMENT

The following person spoke during public comment:

Angela Ciolfi

Action/Discussion Items

First Review of Recommended Cut Scores for the Revised Grade 8 Standards of Learning Science Test

Mrs. Shelley Loving-Ryder, assistant superintendent, division of student assessment and school improvement, presented this item. Mrs. Loving-Ryder said that

revised Standards of Learning (SOL) for science were adopted by the Board of Education in January 2003. The revised curriculum framework for science was adopted by the Board in May 2003. Because of significant revisions to the Standards of Learning for grade 6, a new test blueprint for the cumulative grade 8 science test covering content from grades 6, 7, and 8 was developed. Grade 8 science tests developed using the new blueprint will be administered for the first time in spring 2008.

Mrs. Loving-Ryder said that a committee of educators was convened to recommend to the Board minimum cut scores on the grade 8 science test that represent the achievement levels of pass/proficient and pass/advanced. The SOL revisions in science in grades K through 5 and in earth science, biology, and chemistry did not necessitate changes in the grade 3, grade 5, and the end-of-course SOL science test blueprints.

Dr. Jones made a motion to waive first review and adopt cut scores of 27 for pass/proficient and 45 for pass/advanced for the grade 8 Standards of Learning science test. The motion was seconded by Dr. Ward and carried unanimously.

First Review of Timeline for the Review and Approval of Revised Mathematics Standards of Learning

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that the Board of Education adopted a schedule for review of the *Mathematics Standards of Learning* at its September 28, 2000, meeting. The *Mathematics Standards of Learning* are scheduled for review in 2008–2009.

Dr. Wallinger said that using an established review process and criteria, the Department of Education plans a review of the current *Mathematics Standards of Learning*. The College Board and ACT reports that analyze the *Mathematics Standards of Learning* with their respective postsecondary readiness standards as well as American Diploma Project (ADP) alignment study documents will be provided to the review committees for consideration. The review committees also will consider relevant national and international reports and documents.

Mrs. Castro made a motion to waive first review and grant approval for the Department of Education to proceed with the review process for the *Mathematics Standards of Learning*. The motion was seconded by Mrs. Saslaw and carried unanimously.

Final Review of the Proposed Standards for the Governor's Career and Technical Education Exemplary Standards Awards Program

Dr. Wallinger and Dr. Emily Richardson, president of Virginia Career Education Foundation, presented this item. Dr. Wallinger said that Virginia has received a \$500,000 grant from the National Governors Association (NGA) Center for Best Practices to improve science, technology, engineering, and mathematics (STEM) education. There are two major activities to be accomplished under the terms of the

grant: 1) the development of Governor's Career and Technical Academies; and 2) the creation of the Governor's Career and Technical Education Exemplary Standards Awards Program.

Dr. Richardson said that the first academies are expected to submit their proposals for approval during the spring 2008. The Virginia Career Education Foundation (VCEF), a public-private partnership in the Commonwealth, has been charged with the development of exemplary standards to be used in the administration of the Governor's Career and Technical Education Exemplary Standards Awards Program. Dr. Richardson said that this program is a criterion-referenced process that involves the faculty of higher education and business partners in examining the curriculum and outcomes to ensure continuous improvement of the quality of individual career and technical education programs. Programs will assemble evidence to demonstrate program quality, significance, and effectiveness, to be validated by external partners from industry and postsecondary education. The grant proposal also requires the Board of Education, which is also Virginia's Board of Career and Technical Education, to approve the standards on which the awards program will be based.

Dr. Brewster made a motion to approve the proposed standards for the Governor's Career and Technical Education Exemplary Standards Awards Program. The motion was seconded by Mr. Moore and carried unanimously.

Final Review of Rescinding Current English Language Proficiency (ELP) Standards of Learning and Approval of World-Class Instructional Design and Assessment (WIDA) ELP Standards

Ms. Roberta Schlicher, director, program administration and accountability, presented this item. Ms. Schlicher said that on November 20, 2002, the Board adopted English Language Proficiency (ELP) Standards of Learning for English Language Learners (ELLs) as required by the *No Child Left Behind Act of 2001*. These standards were revised and presented for first review on September 27, 2006, and second review on July 25, 2007. No final action was taken by the Board on the revised *ELP Standards of Learning*. Consequently, the 2002 *ELP Standards of Learning* remains the current Board-approved standards.

Ms. Schlicher said that on September 26, 2007, the Board adopted the ACCESS for ELLs® as the statewide English Language Proficiency assessment for 2008-2009. The ACCESS for ELLs® was developed by the World-Class Instructional Design Assessment (WIDA) consortium through a United States Department of Education (USED) Enhanced Assessment grant. Two requirements exist for states to implement the ACCESS for ELLs®. The requirements are: 1) joining the WIDA consortium; and 2) adopting the WIDA ELP standards.

The WIDA ELP standards support the English language development of English Language Learners (ELLs). The goal of the standards is to provide the foundation to enable ELLs to achieve academically in all content areas.

There are five WIDA ELP standards that are represented in the following grade clusters: Pre-K-K; 1-2; 3-5; 6-8; and 9-12. Additionally, each standard encompasses six levels of English language proficiency as well as four language domains. The levels of English language proficiency are: entering, beginning, developing, expanding, bridging, and reaching. The four language domains are: listening, speaking, reading, and writing. Finally, the standards contain both formative and summative model performance indicators.

Mrs. Castro made a motion to approve the rescission of the current *English Language Proficiency (ELP) Standards of Learning* and adopt the WIDA ELP standards. The motion was seconded by Dr. Jones and carried unanimously.

Final Review of Virginia's Five-Year State Plan for Fiscal Years 2008-2013 for the Carl D. Perkins Career and Technical Education Act of 2006

Ms. Elizabeth Russell, director, office of career and technical education, presented this item. Ms. Russell said that the *Carl D. Perkins Career and Technical Education Act of 2006* (Perkins IV) provided states with the opportunity to submit either a six-year plan for the new law or to submit a one-year transitional plan, followed by a five-year plan. Virginia chose to submit a transitional plan, followed by a five-year plan to be submitted in April 2008.

Ms. Russell said that the *Carl D. Perkins Career and Technical Education Act of 2006* requires the Virginia State Board of Education, acting as the State Board of Career and Technical Education, to approve the state plan. The state plan will be in effect from July 1, 2008, through June 30, 2013. The state plan includes legislative requirements, identified needs of secondary and postsecondary career and technical education, allocation of funds, and appropriate appendices. The time for negotiation of state performance standards will begin May 1, 2008. The state plan must be submitted to the USED by April 1, 2008.

For 2008-2013 all components of the secondary portion of the plan have been completed with the exception of one performance standard (2S1), which the USED is still discussing. The Virginia Community College System is utilizing USED technical assistance for their performance standards and will complete those based on recommendations from the technical assistance.

Ms. Russell said that for the first time, Perkins IV requires sanctions for not meeting performance standards at both the state and local level. Negotiations for the level of performance between the state and OVAE will continue to be negotiated under this law. However, Perkins IV has added a negotiation process for performance standard levels between the state and each local division served. These negotiations must ensure that the state levels required by OVAE are met. The earliest sanctions at the state level would be during the 2008-2009 year although this is still being discussed. Sanctions at the state level can include reduction of state administration funds. Historically, Virginia has met 100 percent of its performance standards. At this point, the sanctions for local divisions do not take effect until 2009-2010. Sanctions at the local level have not been

determined, but templates and procedures for Local Improvement Plans are in place from Perkins III and may be continued under Perkins IV.

The Board held four public hearings on January 29, February 5, February 12, and February 21, 2008. The majority of the public comments related to the changing of the current basic grant split for local school divisions and community colleges. The Virginia Community College had requested that the current 85 percent secondary/15 percent postsecondary be changed to 60 percent secondary/40 percent postsecondary over a five year period. Of the 91 comments on the funding split, 88 were in favor of keeping the 85/15 split and three were in favor of the change. Additional areas of comment included:

- Concern over moving career and technical education from high schools to community colleges;
- Concern over the oversight of career coaches being moved to the secondary schools;
- Concern over specific activities with individual budget allotments not being listed;
- Request for an additional performance measure to benchmark all students graduating with a Virginia Workplace Readiness Skills credential;
- Concern over the Performance Assessment being included in the Local Plan and Budget Application and replacing the current Local Improvement Plan;
- Concern over the community college collecting social security numbers from secondary students;
- Questioned the need for additional career coaches when the Standards of Quality address the issue of career guidance provided to secondary students through the Standards of Accreditation;
- Inconsistency of number of career coaches reported within the plan;
- Use of adult enrollment in the funding formula;
- Competitive versus formula basis for community college Tech Prep funding;
- Use of Perkins funds to fund postsecondary student credential testing; and
- Continued support of the career and technical student organization activities.

The *Carl D. Perkins Career and Technical Education State Plan* consists of the following elements:

State Plan Narrative

The state plan narrative details the planning, coordination, and collaboration of the state plan prior to submission to the Board and the USED. It addresses the establishment of a statewide system of career pathways that brings together secondary, postsecondary, workforce boards, and business/industry. These partnerships will connect education, workforce development and economic development. The plan also addresses initiatives and activities that are designed to enhance student achievement in academics and career and technical education and to serve special populations.

• **Accountability and Evaluation**

The *Carl D. Perkins Career and Technical Education Act of 2006* requires that secondary programs meet performance indicators that address: academic achievement in reading/language arts and mathematics; technical skill attainment; secondary school completion; student graduation rates; secondary placement; nontraditional participation; and nontraditional completion. Performance standards at the postsecondary level address: technical skill attainment; credential, certificate, or degree; student retention and transfer; student placement; nontraditional enrollment; and nontraditional completion.

• **Tech Prep**

This section is submitted by the Virginia Community College System and includes the following: funding methods; administration of the program under an articulation agreement between the participants in a consortium as defined by Perkins; Tech Prep programs, program of study, professional development for teachers, faculty, counselors, and administrators; equal access to special populations; coordination of activities under Title I of the Perkins Grant; local application forms; and how performance standards will be met.

• **Financial Requirements**

This section addresses all statutory requirements and allocation of dollars.

• **EDGAR Certifications and Other Assurances**

Included as provided by the USED.

Budget Forms

This section provides the overall allocation of Perkins funds for Title I, Basic Grant and Title II, Tech Prep. These figures are based on the estimated FY08 funds provided by the USED.

Accountability Forms

This section provides the required performance standards, definitions that apply to these standards, and proposed levels of attainment.

Summary of the Proposed *Carl D. Perkins Career and Technical Education Act of 2006 State Plan*

The major elements of the plan include:

- Edits to enhance clarity, specificity, elimination of adult enrollment in the funding formula for Perkins, Title I;
- Alignment with additional information provided by the USED to include the Performance Assessment within the Local Plan and Budget applications instead of as a separate Local Improvement Plan;
- Addition under Tech Prep Programs, page 61, response to question 2;
- Update of budget forms based on communication from the USED; and
- Maintain the current apportionment of Perkins funds at 85% for local school divisions and 15% for community colleges.

Dr. Brewster made a motion to approve Virginia's proposed state plan for the *Carl D. Perkins and Technical Education Act of 2006*. The motion was seconded by Dr. Ward and carried unanimously.

Report on the Status of 2008 General Assembly Actions

Mr. Kent Dickey, assistant superintendent for finance, and Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item.

Mrs. Wescott said that the Department of Education tracked all bills, resolutions, and appropriation proposals affecting K-12 education that were introduced in the 2008 Session of the General Assembly. Legislation that was tracked included the following issues: 1) teacher licensure; 2) No Child Left Behind; 3) career and technical education; 3) nutrition/physical activity; 4) home schooling; 5) special education; and 6) textbook purchasing.

Mr. Dickey said that budget actions for the 2008-2010 biennium were also tracked beginning with the Governor's introduced budget (HB/SB 30) and Executive Amendments, followed by the House and Senate budget actions, and finally the Conference Committee budget report, which was approved by both chambers of the General Assembly on March 13, 2008. Major budget highlights from the 2008 Session include: 1) funding for SOQ rebenchmarking; 2) funding for a 2% teacher salary increase in FY10; 3) additional funding for the Virginia Preschool Initiative; 4) changes to Lottery funding; and 5) funding increases/decreases to various programs.

The Board received the report on the status of 2008 General Assembly actions.

Report on a Grant Awarded for the Development of New Alternate Assessments for Students with Disabilities Pursuing Modified Achievement Standards

Mrs. Shelley Loving-Ryder presented this item. Mrs. Loving-Ryder said that on April 7, 2005, in a meeting attended by a number of Chief State School Officers at George Washington's Mount Vernon, United States Secretary of Education (USED) Margaret Spellings announced additional flexibility for states in the assessment of students with disabilities.

Mrs. Loving-Ryder said that in a "Dear Colleague" letter on May 10, 2005, Secretary Spellings noted that "research shows that, even after receiving the best-designed instructional interventions from highly trained instructors, a group of students with academic disabilities, comprising approximately two percent of the school-age population, is not able to achieve at grade level. They are able to make significant progress toward grade-level standards...." The letter mentioned that USED would issue a notice of proposed rulemaking in the near future that would permit states to: 1) develop modified achievement standards for a limited number of students with disabilities; 2) develop alternate assessments based on those modified achievement standards; and 3) include proficient scores from the assessments in the calculation of Adequate Yearly Progress (AYP) subject to a 2% cap at the district and state levels.

Mrs. Loving-Ryder said that in December 2005, USED issued a notice of Proposed Rulemaking on this topic and on April 9, 2007, USED released regulations providing guidance to states regarding the development of assessments for students with disabilities who are pursuing modified achievement standards. In July 2007, the federal Office of Special Education Programs (OSEP) announced the availability of grants for states to use in developing assessments for students with disabilities. The Virginia Department of Education applied for a grant to investigate the development of assessments for students with disabilities pursuing modified achievement standards and on September 26, 2007, we were notified that our proposal had been funded.

Mrs. Loving-Ryder said that Virginia's grant proposal focuses on working with educators to identify 1) the characteristics of students for whom the assessment based on modified achievement standards would be appropriate, and 2) the types of supports these students are provided in classroom instruction and assessment. The identified student characteristics will be used in developing guidance for Individualized Education Program (IEP) teams to use in determining if students meet the criteria for this assessment. Information on supports used in the classroom will be used to modify the existing online grade 8 reading and mathematics Standards of Learning (SOL) items to make them more accessible to students identified for the alternate assessment based on modified achievement standards. Modified items will be piloted in spring and fall 2008 with a larger field test in spring 2009.

Mrs. Saslaw made a motion to accept the report regarding the grant to develop alternate assessments for students with disabilities pursuing modified achievement standards. The motion was seconded by Mrs. Castro and carried unanimously.

DISCUSSION OF CURRENT ISSUES

Dr. Cannaday said that in reference to No Child Left Behind, Virginia's request for waivers is not to escape accountability but to find better ways to serve youngsters and to meet higher expectations.

DINNER SESSION

The Board met for dinner at the Crowne Plaza Hotel with the following members present: Dr. Emblidge, Dr. Brewster, Mrs. Castro, Mr. Johnson, Mr. Moore, Mr. Rotherham, and Mrs. Saslaw. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Dr. Emblidge adjourned the meeting at 10:30 a.m.

President